

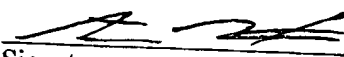
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application****Inventor(s): Steve Mitchell****Appln. No.: 10/684,668****Confirm. No.: 3396****Filed: October 14, 2003****Title: ARTIFICIAL VERTEBRAL DISK
REPLACEMENT IMPLANT WITH
CROSSBAR SPACER AND METHOD****PATENT APPLICATION****Art Unit: 3738****Examiner: Bruce Edward Snow****Atty. Docket No.: KLYCD-05008US1****Customer No. 23910****DECLARATION OF STEVE MITCHELL UNDER 37 C.F.R. § 1.131**

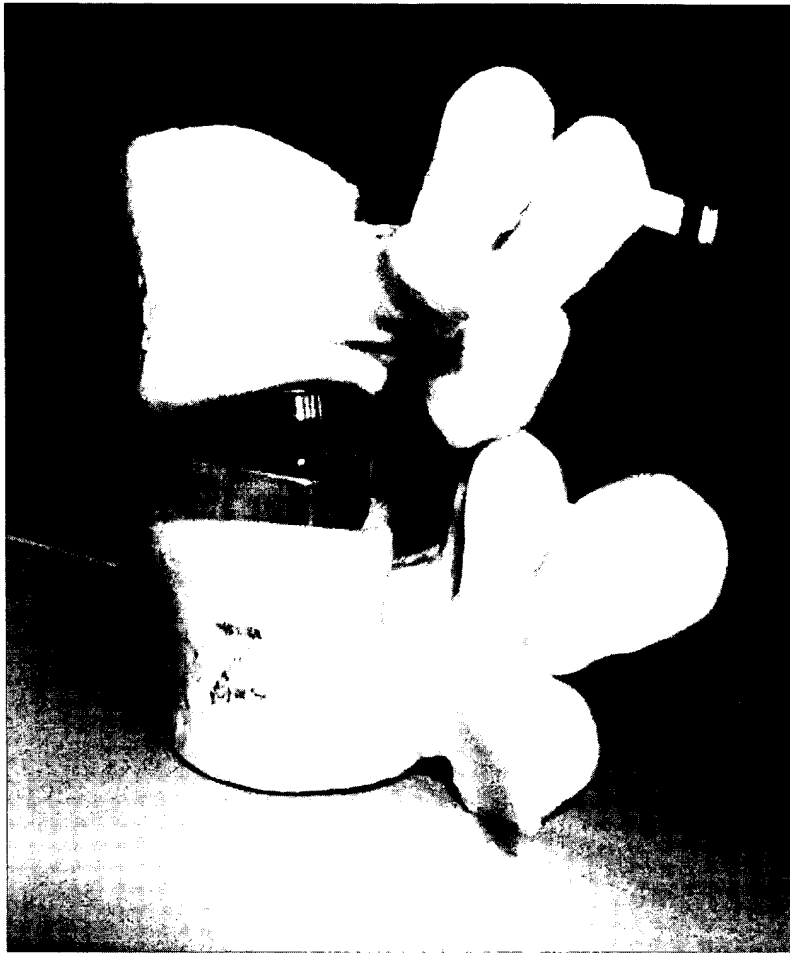
1. My name is Steve Mitchell.
2. This declaration is submitted under 37 C.F.R. § 1.131.
3. I understand that I have a duty to disclose to the U.S. Patent and Trademark Office all information I know to be material to patentability as defined in 37 C.F.R. § 1.56.
4. I am an employee of St. Francis Medical Technologies, Inc., the assignee of the above U.S. patent application and specialize in development of spinal implant devices.
5. I am the sole inventor of the above U.S. patent application.
6. I recall designing a prototype embodiment of the invention described in the above U.S. patent application in March 2002.
7. I recall attending an internal meeting in May 2002 where the prototype was shown to a research and development team.
8. I have viewed photographs labeled as Exhibits A-D.
9. I verify that Exhibits A and C are lateral anterior to posterior views of an artificial spinal prosthesis.
10. I verify that Exhibits B and D are frontal anterior views of an artificial spinal prosthesis.
11. I verify that Exhibits A and C show the prototype implant described in the specification and shown in Figure 3 of the above application which incorporates the crossbar shown in Figures 2A-2D of the above application located between upper and lower plates inserted

between two adjacent vertebrae of an artificial spinal prosthesis as represented in Figure 4 of the above application.

12. I verify that the design, construction and reduction to practice of this prototype took place in the United States of America.
13. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this declaration are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

1-5-06
Date


Signature



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EXHIBIT A

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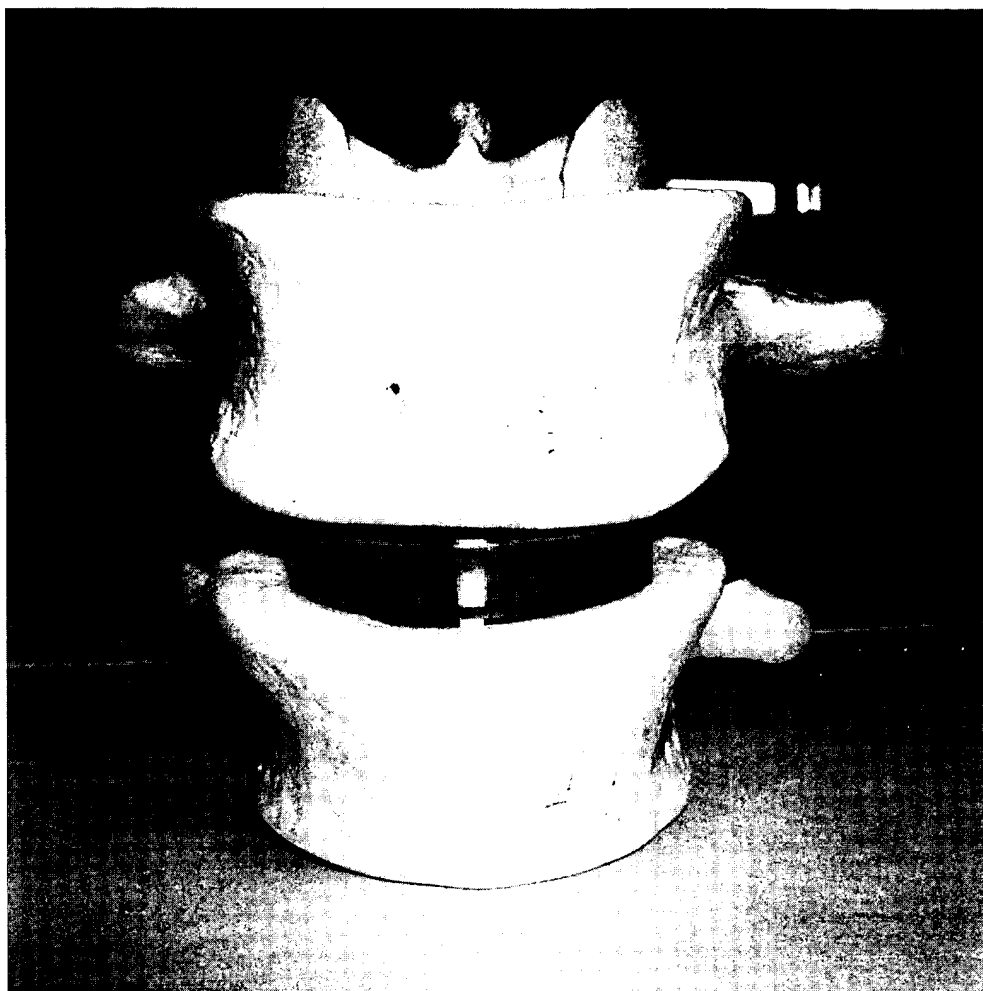


EXHIBIT B

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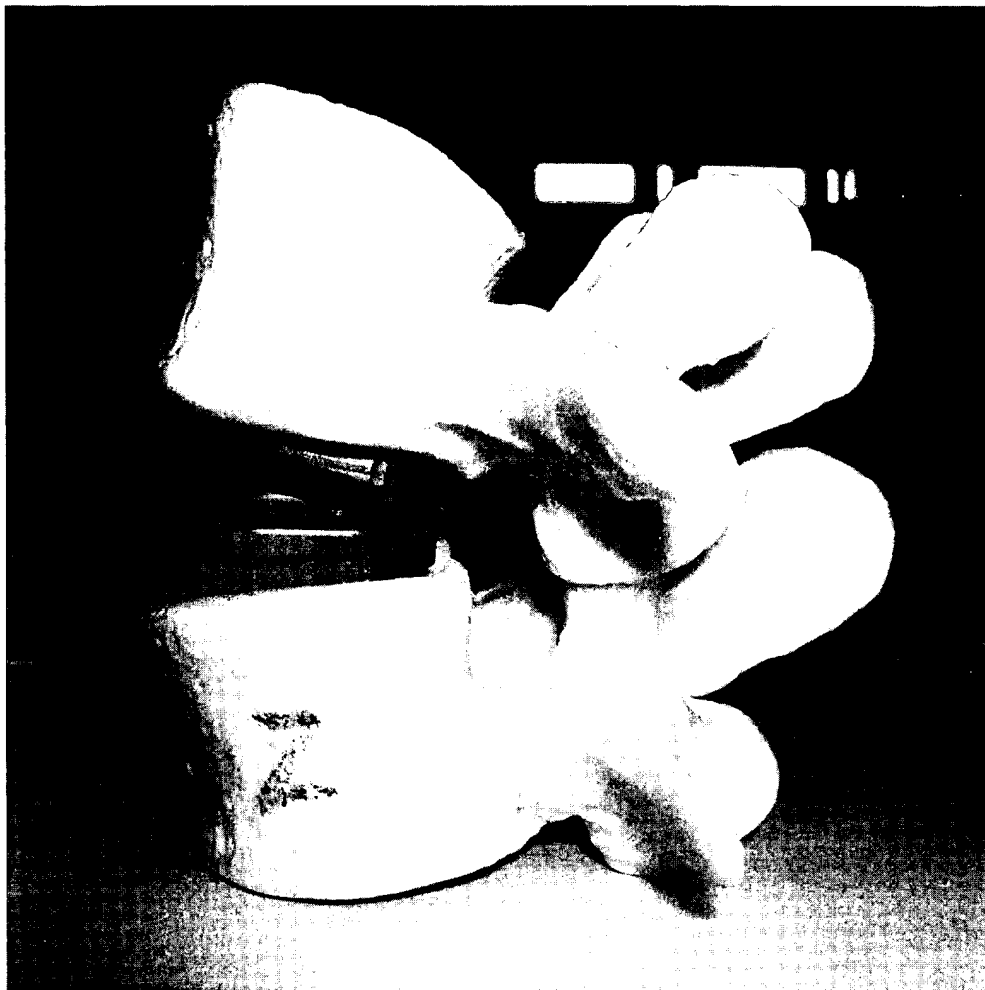


EXHIBIT C

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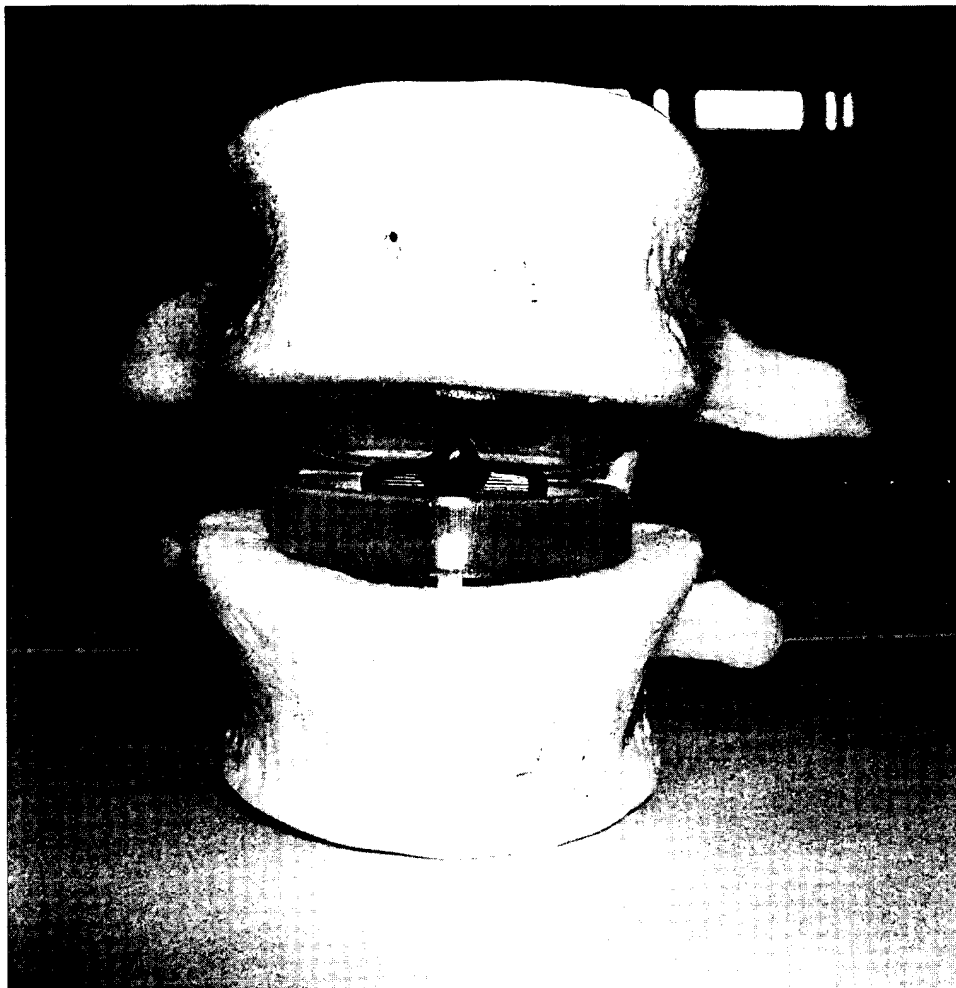


EXHIBIT D